

June 30, 2008

**Transmittal # 217**

For: Volume VII Distribution

Volume VII, Section III, Chapter A, Child Protective Services (CPS) has been updated and reorganized. The CPS Manual is organized to follow a logical sequence based on how the CPS process proceeds and includes two new parts regarding substance exposed infants and child deaths. There is a general table of contents for the entire Chapter. Each part is numbered separately and includes a table of contents. Further, the CPS Manual incorporates statutory requirements that become effective July 1, 2008.

The Appendix includes *Code of Virginia* references pertaining to CPS, CPS regulations, information about CPS best practices, and recommended formats for documentation.

Please replace the current CPS Chapter. Because many CPS workers now use the on-line guidance for reference and page numbers may vary with different printers, the exact section for each change is provided so the change can also be located on-line. The pages referenced in the transmittal refer to the hard copy printed at the Home Office. The manual, including this transmittal, is now available on-line at

<http://www.localagency.dss.state.va.us/divisions/dfs/cps/manual.cgi>

*All additions are in italics.* Some deletions are denoted by ~~strikethrough~~.

Part/Title	Pages	Significant Changes
<b>Part I: Introduction to Child Protective Services Uniform Training Plan Multidisciplinary Teams</b>		
D.1.3 Additional Training Requirements	Page 8	Adds CWS5307/Assessing Safety, Risk and Protective Capacities in Child Welfare; CWS5701 Child Welfare Supervision.
<b>Part II: Definitions of Abuse and Neglect</b>		
B.2.13 Traumatic Inflicted Brain Injury	Page 7	Adds this term to the section defining a type of physical abuse for consistency with current medical terminology related to shaken baby syndrome.
B.2.15 Other Physical Abuse	Page 8	To document types of physical abuse that are not specifically defined.
C.2.10 Other Physical Neglect	Page 12	To document types of physical neglect that are not specifically defined.
D.1.0 Statutory and Regulation Definition of Medical Neglect	Page 13	Updates Virginia Administrative

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		Code to incorporate changes to the definition of medical neglect.
D.2.5 Other Medical Neglect	Page 15	To document types of medical neglect that are not specifically defined.
D.3.1 Treatment or Care Must be Necessary	Page 15	Incorporates definitions of terms related to treatment of a child with a life threatening condition required by changes to the <i>Code of Virginia</i> effective July 1, 2007.
F.2.2 Other Sexual Abuse	Page 23	Adds a caretaker french kissing a child under the age of 13 as a type of other sexual abuse.
<b>Part III: Complaints and Reports</b>		
B.1.1 Who are Mandated Reporters	Page 4	Effective July 2008, animal control officers and emergency medical services personnel are mandated reporters of suspected child abuse or neglect.
D.2.3.4c Parent Refuses Treatment for Life-Threatening Condition	Page 15	Incorporates definitions of terms related to treatment of child with a life threatening condition required by changes to <i>Code of Virginia</i> effective July 1, 2007.
D.4.2.1 Information to Be Provided to Law Enforcement in Non Caretaker Sexual Abuse	Page 28	Clarifies the information to be provided to law enforcement by CPS worker.
E.2.0 Report the Death of a Child	Page 30	Refers to new Part XI: Child Deaths for additional requirements to complete in a child death report.
F. Screen Valid Complaints and Reports for Priority	Page 31	Compliance with response times is based on the date of the report. Clarifies that attempted contacts must be entered in the automated data system.
<b>Part IV: Family Assessment and Investigation</b>		
A.3.5 Required Background Checks on Individuals with Whom Agency May Place a Child on an Emergency Basis	Page 12	Incorporates requirements for background checks required by the <i>Code of Virginia</i> §63.2-901B and provides a sworn disclosure statement form for use by local departments when making emergency placement of a child into a home that is not already approved.

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F.2.0 First Meaningful Contact	Page 26	Clarifies that the first meaningful contact in a family assessment is usually a face to face contact with the alleged victim. However, a first meaningful contact may be with the alleged abuser or collateral if pertinent information relevant to the family assessment and safety of the child is provided.
F.9.4 Notification to Military Personnel (Family Advocacy Program)	Page 30	Clarifies that the local department shall provide information to Family Advocacy Programs in completed family assessment with services needed.
G. Conduct Investigation	Page 30	Throughout the section, replaces the term “audio” with electronic to clarify that interviews may be recorded in a variety of formats.
G.8.1 First Meaningful Contact	Page 38	Clarifies that the first meaningful contact in an investigation is usually a face to face contact with the alleged victim. However, a first meaningful contact may be with the alleged abuser or collateral if pertinent information relevant to the investigation and safety of the child is provided.
G.9.4.2b Indirect Evidence	Page 47	Updates the definition of indirect evidence and clarifies its use in making a disposition.
G.9.5.3 Parent Refuses Treatment for Life-Threatening Condition	Page 49	Incorporates definitions of terms related to treatment of a child with a life threatening condition required by changes to the <i>Code of Virginia</i> effective July 1, 2007.
G.13.1 Notify Abuser or Neglector in Writing	Page 62	Effective July 1, 2008, § 63.2-1505 of the <i>Code of Virginia</i> requires local department to notify the local school board of the founded disposition if the abuser is a teacher in the public schools of Virginia. Local departments must inform the abuser of this notification requirement.
G.13.11 Notify Parents if Abuser is a Minor	Page 66	Requires local department to notify the parents if the abuser is a minor.

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G.13.12 Notify Local School Board if Abuser is a Teacher	Page 66	Effective July 1, 2008, § 63.2-1505 of the <i>Code of Virginia</i> requires local department to notify the local school board of the founded disposition if the abuser is a teacher in the public schools of Virginia.
G.13.13 Notify Superintendent of Public Instruction if Abuser Holds a License Issued by the Board of Education	Page 67	Effective July 1, 2008, § 63.2-1503 of the <i>Code of Virginia</i> requires local department to notify the Superintendent of Public Instruction of the founded disposition if the abuser is licensed.
<b>Part V: Out of Family Investigations</b>		
A.2.0 Additional Definitions Used in CPS Out of Family Investigations	Page 5	Additional definitions applicable to Out of Family Investigations that are not in regulation.
B.2.0 Determine Track Decision	Page 6	Clarifies local department's discretion to conduct family assessments in out of family settings that are not required by the <i>Code of Virginia</i> to be investigated.
C. Notify Regulatory Agency and/or Local Approval Agent of CPS Report; CPS Regional Specialist	Page 7	Effective July 1, 2008, Interdepartmental Regulation Program will end. Each state agency is responsible for promulgating their own standards for children's residential facilities (CRFs) and there will no longer be a central location for information on CRF's. For complaints in regulated facilities, the local department must contact the lead regulatory authority as quickly as possible after receipt of the complaint and before commencing the investigation.
G. Concerns for Other Children in the Care of the Alleged Abuser/Neglector	Page 20	Recommends local department seek legal consultation to determine what additional actions or services may be need for children in the care of an alleged abuser when those children are not the alleged victim.

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<b>Part VI: Services</b>		
B.3.0 Frequency of Required Contacts	Page 7	Clarifies that the local department worker must have face to face monthly contact with the child and family. Clarifies that the need for and provision of purchased services for the child or family must be documented in the automated data system.
B.5.0 Prevent Foster Care Placement: Reasonable Candidacy Program	Page 8	Provides guidance to determine if a local department is eligible for reimbursement for services to a child who is at risk of foster care.
<b>Part VII: Appeals</b>		
C.6.3 Local Conference Participants	Page 6	Clarifies that the appellant may have a representative at the local conference who is not a legal representative or attorney.
<b>Part IX: Confidentiality</b>		
C.8.0 Exceptions to Release of Information	Page 14	Updates <i>Code of Virginia</i> citations
D.2.0 The Rights of Data Subjects	Page 15	Updates <i>Code of Virginia</i> citations
E.8.0 Release Information to Alleged Abuser or Neglector When Founded Disposition is Appealed	Page 18	Provides additional information and guidance to local departments for the release of information to an abuser who has appealed the founded disposition and encourages local departments to consult with legal counsel when determining what information to release.
F. Release Information to Legitimate Interests	Page 20	Recommends local departments seek legal advice and counsel prior to responding to a request for release of information.
F.3.0 Identify Parties with Legitimate Interest	Page 22	Effective July 1, 2007, and pursuant to <i>Code of Virginia</i> § <u>37.2-905.2</u> , the Department of Corrections, the Commitment Review Committee, and the Office of the Attorney General may request information from the local department about an inmate who is subject to a civil commitment hearing as a sexually

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		violent predator.
<b>Part XI: Child Deaths</b>		
B.1.0 Submit Preliminary Information Concerning the Child Death	Page 3	Specifies the preliminary information to be submitted by local department to the regional specialist when a child death report is received.
C. CPS Regional Specialist to Monitor Investigation and Provide Technical Assistance to Local Department	Page 4	Requires the local department to consult with CPS regional specialist prior to making a disposition in an investigation and developing a service plan involving a child death.
C.1.0 Final Child Death Report and Review	Page 5	Within 10 working days of the disposition of an investigation involving a child death, CPS regional specialist shall complete the Child Fatality Information Form, Part I and Part II, in conjunction with the local department and submit to the CPS Program Manager.

If you have questions about any of these CPS changes, please contact your CPS Program Specialist.

  
 Anthony Conyers, Jr.  
 Commissioner

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